



EMERGENCY LOCAL RULES OF COURT

In light of the national COVID-19 pandemic and current state of emergency, and in conjunction with Executive Order N-38-20, signed by the Governor on March 27, 2020, and the March 23 and March 30, 2020 statewide Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, the Court adopted these Emergency Local Rules of Court effective April 6, 2020 and as amended on April 10, 2020, April 29, 2020, May 15, 2020, July 14, 2020, August 15, 2020, October 1, 2020, November 23, 2020, February 19, 2021, March 1, 2021, June 21, 2021, August 30, 2021, January 1, 2022, and January 31, 2022. These rules will remain in effect unless amended, rescinded or otherwise specified in this specific emergency rule.

AMENDED EFFECTIVE JANUARY 31, 2022
(EMERGENCY RULES AMENDED ON JANUARY 1, 2022 REMAIN IN EFFECT
UNTIL JANUARY 31, 2022)
PLACER SUPERIOR COURT

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RULE 10.28 REMOTE APPEARANCES

A. Definition and Authorization

This RULE is effective January 4 **31** 2022 and shall remain in effect for the duration of the COVID-19 State of Emergency declared by the California Governor and up to 90 days after it has been lifted.

While this rule remains in effect, the following rules are suspended: Rule 10.24, Rule 20.1.7 Section (F), Rule 20.1.10 Section (D), Rule 20.8, Rule 30.15, Rule 30.16 Section (B), Rule 30.17 Sections (A), (B), and (C), and Rule 80.1.2.

In the event of a conflict between these rules and the California Rules of Court, Emergency Rules, rules 3 and 5, or **Judicial Council forms**, the California Rules of Court **and Judicial Council forms** prevail. For example, should these rules require judicial pre-approval but the California Rules of Court Emergency Rules require a court to allow a remote appearance, such approval shall be granted by operation of the California Rules of Court Emergency Rules.

“Remote appearances” refer to appearances at a court hearing made by telephone or by video by a party or an attorney to a case. All rules of courtroom civility and decorum apply to a remote appearance. A remote appearance is the equivalent of an in-person appearance. Any actions that occur in the hearing are subject to all applicable rules, statutes and law, including but not limited to, the law of contempt.

B. Scheduling Remote Appearances

Parties, defendants and attorneys wishing to appear remotely may be required to file a motion or a request for a remote appearance depending on the hearing type.

Requirements to appear remotely for each hearing type are listed on the Court’s website (<http://www.placer.courts.ca.gov/RAS.shtml>).

When remote appearances requiring a motion are acknowledged, or judicial approval are granted, the Court will notify the attorney and/or self-represented defendant and/or self-represented party. If denied, or if the judicial officer determines an in-person appearance would materially assist, the attorney, self-represented defendant and/or self-represented party must appear in person.

All parties or attorneys must schedule themselves for the appearance through the remote appearance page of the Court’s public website no later than one (1) court day before the hearing unless otherwise noted in this rule or on the Court’s website.

C. Remote Appearance Fees

1. Fees for each telephonic appearance in general civil, probate, and unlawful detainer cases are charged pursuant to California Rules of Court, Rule 3.670.

There may be an additional charge for appearances scheduled less than two (2) court days prior to the scheduled hearing. Charges for telephonic appearances must be paid by credit card or electronic funds transfer through the Court's telephonic appearance reservation website.

2. Fees for each video appearance in general civil, probate, and unlawful detainer cases are charged the same as fees for telephonic appearances.
3. Parties and attorneys with a fee waiver in general civil cases, unlawful detainer, or probate cases, and all parties and attorneys in family law, criminal, juvenile, and traffic cases shall not be charged fees for remote appearances.
4. All remote appearance fees must be paid through the Court's remote appearance scheduling system no later than one (1) court day before the hearing. If the fee is not paid, the appearance shall be in person.

D. Remote Appearance in Civil, Probate, and Small Claims Proceedings

1. Evidentiary Hearings

Parties may motion the court for a remote appearance at a trial or evidentiary hearing. These motions are subject to judicial review on a hearing-by-hearing basis for a determination of whether an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

The court has deemed the following hearing types as evidentiary hearings for the purposes of remote appearances subject to Code of Civil Procedure, § 367.75. Testimony may be presented at hearings not included, but are not considered evidentiary for the purposes of remote appearances.

- Civil harassment hearings and trials
- Court Trials, Includes Probate and Unlawful Detainer trials}
- Default Judgments
- Jury Trials
- Small Claims hearings and trials.

A party or attorney must notice the court by filing Local Form PL-CW010 – Ex Parte Motion for Remote Appearance: Courtwide at least ten (10) court days before the hearing/trial. If the hearing is set in less than ten (10) court days, Local Form PL-CW010 – Ex Parte Motion for Remote Appearance: Courtwide must be filed at least two (2) court days before the hearing. This motion must be served on all parties before filing the motion with the Court. The completed proof of service must be attached to the motion when it is filed.

The party served with the Ex Parte Motion for Remote Appearance: Courtwide may file a response on Local Form PL-CW011 – Ex Parte Motion for Remote Appearance: Response at least five (5) court days before the hearing/trial. If the hearing is set in less than ten (10) court days, Local Form PL-CW011 – Ex Parte Motion for Remote Appearance: Response must be filed at least one (1) court day before the hearing. This response must be served on all parties before filing the form with the Court. The completed proof of service must be attached to the Ex Parte Motion for Remote Appearance: Response when it is filed.

2. Non-Evidentiary Hearings: Notice Requirements

Remote appearances are allowed in the following hearing types, however, notice to the court and all other parties is required. Notices of intent to appear remotely are subject to judicial review on a hearing-by-hearing basis for a determination of whether an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

Notwithstanding the fact that parties may be sworn, testimony and evidence may be given, and the court may make evidentiary findings in the following hearing types, for purposes of this rule, the court is defining these hearing types as non-evidentiary hearings.

- Adoption hearings
- LPS hearings
- Orders of examination
- Settlement conferences

A party or attorney must notice the court by filing Local Form PL-CW010 – Ex Parte Motion for Remote Appearance: Courtwide at least five (5) court days before the hearing. If the hearing is set in less than five (5) court days, Local Form PL-CW010 – Ex Parte Motion for Remote Appearance: Courtwide must be filed by noon the court day before the hearing. This motion must be served on all parties before filing the form with the Court. The completed proof of service must be attached to the form when it is filed.

3. Non-Evidentiary Hearings: Simplified Notice Requirements

Remote appearances are allowed in the following hearing types, however, notice to the court and all other parties is required.

Notwithstanding the fact that parties may be sworn, testimony and evidence may be given, and the court may make evidentiary findings in the following hearing types, for purposes of this rule, the court is defining these hearing types as non-evidentiary hearings.

- Civil law and motion matters

- Case management conferences
- Conservatorship hearings
- Guardianship hearings
- Probate law and motion matters
- Case management conferences

Notice to the court is defined as scheduling a remote appearance no later than one (1) court day before the hearing via the court's website. You may be subject to an additional fee charge, as stated under section (C)(1), for scheduling less than two (2) court days prior to the scheduled hearing. If the party and/or attorney does not meet the deadline for scheduling a remote appearance the party and/or attorney must appear in person if they want to participate in the hearing.

Notice to all other parties may be provided by any means authorized by law and reasonably calculated to ensure delivery at least one (1) court day before the proceeding. Service may be by email on counsel for represented parties or on self-represented persons who have consented to such service.

4. Mandatory Video Appearances

Video appearances are mandatory for civil habeas corpus (Cirby Hills) hearings. A party may request a personal appearance upon a good cause showing using Local Form PL-CV014 – Request To Appear In Person: Civil.

E. Remote Appearances in Criminal Proceedings

In person appearances are encouraged, however, the following remote appearance procedures apply to criminal proceedings. When both counsel and the defendant are appearing remotely, counsel is strongly encouraged to be co-located in that remote location with their client to facilitate communication. By choosing to appear remotely, the attorney and/or defendant who appear remotely understand and agree the court does not provide a means to communicate privately and confidentially and it is the sole responsibility of counsel and client to make such arrangements. The attorney and/or defendant confirm they have established a means to communicate privately and confidentially with one another so that they will not engage in conversations over the remote appearance platform while the hearing is in session.

1. Remote Appearance Not Allowed

Remote appearances are not allowed for defendants in the following hearing types:

- Arraignments;
- Collaborative court hearings and conferences;
- Court Trials;

- Pre-trial status conferences for felony cases without a P.C. § 977 appearance waiver on file, or in those cases where the court has ordered an in person appearance notwithstanding a P.C. § 977 waiver;
- Jury Trials;
- Matters involving the issuance of a Criminal Protective Order or the modification and re-issuance of a Criminal Protective Order.
- Preliminary hearings;
- Sentencings;
- Surrender on warrant hearings, and;
- Violation of probation hearings.

Remote appearances are not allowed for attorneys in the following hearing types:

- Contested violation of probation hearings;
- Court Trials;
- Jury Trials, and;
- Preliminary hearings.

The Court retains the discretion to grant a party leave to appear remotely. The application may be oral or in writing as required by the judicial officer presiding over the case.

Notwithstanding the above, defendants who are located in a detention facility may appear remotely if subject to a health-related quarantine in those facilities.

2. Permissible Remote Appearance with Judicial Approval

Judicial approval is required for defendants to appear remotely in the following hearing types:

- Law and motion hearings
- Pre-trial status conferences
- Post judgment proof hearings

Attorneys, on behalf of their client, and self-represented defendants may request to appear remotely by filing Local Form PL-CR012 – Request for Remote Appearance: Criminal at least two (2) court days before the hearing.

The Court retains discretion to pre-authorize a remote appearance and reflect the authorization in the minutes of any hearing. If pre-authorization is granted, the requesting attorney or self-represented defendant must file form PL-CR012 at least two (2) court days before the hearing.

3. Voluntary Remote Appearance – No Approval Required

Remote appearances for defendants are allowed in the following eligible hearing types without judicial approval:

- Probation transfer out motions

Remote appearances for attorneys are allowed in the following eligible hearing types without judicial approval:

- Arraignments;
- Collaborative court hearings and conferences;
- Law and motion hearings;
- Pre-trial status conferences;
- Probation transfer out motions;
- Sentencings;
- Surrender on warrant hearings, and;
- Violation of probation hearings.

Except for a victim who has been lawfully subpoenaed to testify at a hearing, victims of a crime may make a remote appearance in all hearing types without judicial approval.

Attorneys who are appearing on behalf of their client pursuant to P.C. 977 may schedule themselves for the appearance through the remote appearance page of the Court's public website no later than one (1) court day before the hearing unless otherwise noted in this rule or on the Court's website.

Attorneys **who are not appearing on behalf of their client pursuant to P.C. 977** and self-represented defendants must file Local Form PL-CR012 – Request for Remote Appearance: Criminal at least two (2) court days before the hearing to be scheduled for a remote appearance.

A victim advocate on behalf of a victim or victim's family member, or a victim or victim's family member must file form PL-CR015 – Confidential Request for Remote Appearance: Victim / Victim Advocate at least two (2) court days before the hearing to be scheduled for a remote appearance.

4. Remote Appearances – Witnesses

Excluding Mental Health Court matters, any requests for witnesses to appear remotely must be made on the record with parties present.

For Mental Health Court matters, remote appearances are allowed for witnesses, however, judicial approval is required.

For Mental Health Court matters, attorneys and self-represented defendants must file Local Form PL-CR012 – Request for Remote Appearance: Criminal at least two (2) court days before the hearing to request witnesses appear remotely.

5. Remote Appearances – Document Submissions and Document Copies

- a. Attorneys and defendants who request, and are granted, a voluntary remote appearance must submit any and all documents that may be required for the court hearing no later than 3:00 pm on the court day prior to the scheduled court hearings. Any documents submitted to the court in advance of the court hearing must be served on the opposing party prior to the court hearing. Documents must be submitted to the court through the court's online eDelivery system.
- b. Attorneys and defendants who request, and are granted, a voluntary remote appearance may obtain copies of minute orders or other documents filed during the hearing by accessing their online case file via the court's online case portal or by contacting the Court Clerk's Office after the hearing has concluded.

F. Remote Appearance in Family Law and Family Support Proceedings

1. Evidentiary Hearings

Parties may motion the court to hold a trial or evidentiary hearing, in whole or in part, through the use of remote technology. These motions are subject to judicial review on a hearing-by-hearing basis for a determination whether an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

The court has deemed the following hearing types as evidentiary hearings for the purposes of remote appearances subject to Code of Civil Procedure, § 367.75. Testimony may be presented at hearings not included, but are not considered evidentiary for the purposes of remote appearances.

- Contempt hearings and trials
- Default Judgments
- Evidentiary hearings
- Restraining order hearings and trials
- Trials

A party or attorney must notice the court by filing Local Form PL-CW010 – Ex Parte Motion for Remote Appearance: Courtwide at least ten (10) court days before the hearing/trial. If the hearing is set in less than ten (10) court days, Local Form PL-CW010 – Ex Parte Motion for Remote Appearance: Courtwide must be filed at least two (2) court days before the hearing. This motion must be

served on all parties before filing the form with the Court. The completed proof of service must be attached to the motion when it is filed.

The party served with the Ex Parte Motion for Remote Appearance: Courtwide may file a response on Local Form PL-CW011 – Ex Parte Motion for Remote Appearance: Response at least five (5) court days before the hearing/trial. If the hearing is set in less than ten (10) court days, Local Form PL-CW011 – Ex Parte Motion for Remote Appearance: Response must be filed at least one (1) court day before the hearing. This response must be served on all parties before filing the form with the Court. The completed proof of service must be attached to the Request for Remote Appearance: Response when it is filed.

2. Non-Evidentiary Hearings: Notice Requirements

Remote appearances are allowed, however, notice to the court and all other parties is required. These motions are subject to judicial review on a hearing-by-hearing basis for a determination whether an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

Notwithstanding the fact that parties may be sworn, testimony and evidence may be given, and the court may make evidentiary findings in the following hearing types, for purposes of this rule, the court is defining these hearing types as non-evidentiary hearings.

- Emergency Request Hearings
- Fee Waiver Hearings
- Settlement Conferences
- Request for Order Shortening Time
- Trial Confirming Conference
- UCCJEA Hearings

A party or attorney must notice the court by filing Local Form PL-CW010 – Ex Parte Motion for Remote Appearance: Courtwide at least five (5) court days before the hearing. If the hearing is set in less than five (5) court days, Local Form PL-CW010 – Ex Parte Motion for Remote Appearance: Courtwide must be filed by noon the court day before the hearing. This motion must be served on all parties before filing the form with the Court. The completed proof of service must be attached to the form when it is filed.

3. Non-Evidentiary Hearings: Simplified Notice Requirements

Remote appearances are allowed in the following hearing types, however, notice to the court and all other parties is required.

Notwithstanding the fact that parties may be sworn, testimony and evidence may be given, and the court may make evidentiary findings in the following hearing

types, for purposes of this rule, the court is defining these hearing types as non-evidentiary hearings.

- Family Centered Case Resolution Conferences
- Request for Order Hearings (Including continuances of the initial R.F.O. hearing and those hearings involving child custody held on the law and motion calendar after meeting with a child custody professional.)
- Trial Assignment

Notice to the court is defined as scheduling a remote appearance no later than one (1) court day before the hearing via the court's website. If the party and/or attorney does not meet the deadline for scheduling a remote appearance the party and/or attorney must appear in person if they want to participate in the hearing.

Notice to all other parties may be provided by any means authorized by law and reasonably calculated to ensure delivery at least one (1) court day before the proceeding. Service may be by email on counsel for represented parties or on self-represented persons who have consented to such service.

G. Remote Appearance in Juvenile Proceedings

1. Remote Appearance in Juvenile Justice Proceedings

Parties may motion the court to hold a Juvenile Justice hearing, in whole or in part, through the use of remote technology. These motions are subject to judicial review on a hearing-by-hearing basis for a determination whether an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

To motion the court for a remote appearance, PL-JV006 – Motion for Remote Appearance: Juvenile must be filed at least three (3) court days before the hearing.

For evidentiary hearings, remote appearances require the agreement of the court and all parties. The filed motion must be served on all parties at least three (3) court days before the hearing. The court has deemed any trials or contested hearings as evidentiary hearings for the purposes of remote appearances subject to Code of Civil Procedure, § 367.75. The party served with the Motion for Remote Appearance: Juvenile may file a response through Local Form PL-JV008 – Opposition to Remote Appearance: Juvenile by noon the court day before the hearing/trial. This opposition must be served on all parties.

For non-evidentiary hearings, filing the motion with the court is considered notice to all parties and the court.

2. Remote Appearance in Juvenile Dependency Proceedings

Any person authorized to be present may motion to appear remotely for a Juvenile Dependency hearing. To motion for a remote appearance, Local Form PL-JV006 – Motion for Remote Appearance: Juvenile must be filed at least three (3) court days before the hearing.

For evidentiary hearings, remote appearances require the agreement of the court and all parties. The filed motion must be served on all parties at least three (3) court days before the hearing. The court has deemed any trials or contested hearings as evidentiary hearings for the purposes of remote appearances subject to Code of Civil Procedure, § 367.75. Any party to the proceeding may request that the court compel the physical presence of a witness or party by filing Local Form PL-JV008 – Opposition to Remote Appearance: Juvenile at least by noon the court day before the hearing/trial. This opposition must be served on all parties.

For non-evidentiary hearings, filing the motion with the court is considered notice to all parties and the court.

H. Remote Appearance in Traffic Proceedings

1. Mandatory In Person Appearances

Remote appearances are not allowed in the following hearing types:

- Officer Court Trials

A court retains the discretion to grant a party leave to appear remotely. The application may be oral or in writing as required by the judicial officer presiding over the case.

2. Voluntary Remote Appearance – No Approval Required

Remote appearances are allowed for attorneys and self-represented defendants without judicial approval for the following hearing types:

- Traffic Arraignments
- Further Proceedings

3. Voluntary Remote Appearance – No Approval Required, Advancing Existing Hearing Date Option

During time periods where, by Standing Order, the court is continuing all in-person non-trial traffic proceedings, the court will allow parties and attorneys to advance their hearing dates and appear by video, as allowed by California Rules

of Court, Emergency Rule 3. The court publishes available remote hearing times for traffic proceedings on its website. Parties must review and follow procedures for requesting a remote proceeding as outlined on the court's website. Requesting a remote appearance via the court's website is considered consent to a remote appearance per California Rules of Court, Emergency Rule 5.

The Court may order, on the record, a subsequent hearing to be heard remotely, with consent from the defendant or the defendant's attorney noted on the record.

I. Telephonic and Video Appearance General Rules

By choosing to voluntarily appear remotely for any case type, all parties, defendants and/or attorneys acknowledge and agree to the following general rules regarding a telephonic or video appearance: **All persons and appearances under the guidelines of this Rule are subject to California Rules of Court, Rule 1.150 and Placer County Superior Court Local Rule 10.19. Persons and appearances made under this Rule are representing familiarity and compliance with Cal. Rule of Court 1.150 and Local Rule 10.19.**

1. When making a remote appearance, a party to a case may not receive assistance from anyone other than an attorney, a court certified interpreter or individual appointed by or approved by the Court. A support person may accompany a party when allowed by law, however, the support person may not speak for or assist the party making the appearance.
2. All rules of courtroom civility and decorum apply to a remote appearance. A remote appearance is the equivalent of an in-person appearance and any actions that occur in the hearing are subject to all applicable rules, statutes and laws and are enforceable in the same manner as if the attendee was in the courtroom.
3. It is the sole responsibility of the party appearing remotely, either by telephone or video, to ensure they have sufficient internet speed and/or connectivity as well as an appropriate indoor location with no background noise or disruptions. By voluntarily appearing remotely, the person appearing remotely agrees to appear from an indoor location free from distraction or other noise. The Court retains the discretion to terminate the remote appearance if there is a disruption, noise, misconduct, a communication problem, a technical problem, or other issue, including termination in the interest of justice.
4. If the party and/or attorney making the remote appearance is not connected at the time the Court calls the case, the Court will consider the failure of connection a failure to appear and the case may be dropped from calendar and/or the Court may proceed with the hearing and/or make rulings in the absence of an appearance, including the issuance of a warrant in a criminal matter.
5. The Court retains discretion to continue the hearing and require an in-person appearance if there is insufficient connectivity resulting in the inability of the

Court or other party to appropriately hear and/or understand the party making the remote appearance. If the Court continues a hearing as a result of the insufficient connectivity, the party with the insufficient connectivity may be responsible for fees and/or costs associated with the continuance.

6. Parties and/or attorneys shall not have any scheduling conflicts when making a remote appearance and shall be available to participate in the hearing when the case is called by the Court.
7. Parties and/or attorneys shall not be engaged in any other activity while participating in the scheduled hearing.
8. If the Court terminates the hearing or the connection due to noncompliance with Local Rule 10.28, the Court will consider the termination a failure to appear and the case may be dropped from calendar and/or the Court may proceed with the hearing and/or make rulings in the absence of an appearance.

- J. Notwithstanding any other provision of Local Rule 10.28, the Court retains discretion to order personal appearances by all parties, attorney of record, or witnesses.

[Adopted April 6, 2020, Amended April 10, 2020, Amended April 29, 2020, Amended May 15, 2020, Amended July 14, 2020, Amended Effective October 1, 2020, Amended Effective November 23, 2020, Amended February 19, 2021, Amended March 1, 2021, Amended June 21, 2021, Amended August 30, 2021, **Amended January 1, 2022**]